

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
WAYCROSS DIVISION

WILLIAM IRA NESMITH,

Plaintiff,

v.

Senior CO Sgt. J. A. JOHNSON;  
Warden TODD THOMAS, and  
CORRECTIONS CORPORATION  
OF AMERICA,

Defendants.

CIVIL ACTION NO.: CV507-043

**ORDER**

After an independent review, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. Plaintiff contends that the Magistrate Judge should not have granted Defendants' Motion for Extension of Time to File Motion for Summary Judgment. Plaintiff further contends that because the Magistrate Judge should not have granted the extension, Defendants' Motion for Summary Judgment should have been denied because it was filed after the due date. Plaintiff's Objections are without merit.

Plaintiff provides no evidence to support his assertion that he exhausted his administrative remedies prior to filing his complaint. The Report and Recommendation is adopted as the opinion of the Court. Plaintiff's Complaint is **DISMISSED**, without prejudice, due to Plaintiff's failure to exhaust his available administrative remedies prior to filing his complaint. The Clerk of Court is authorized and directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 6 day of August, 2008.

HONORABLE LISA GODBEY WOOD  
UNITED STATES DISTRICT JUDGE